

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DAVID JOHN THORKELSON, as  
Personal Representative of the  
Estate of Debi Lyn Thorkelson

Plaintiff,

v.

Case No.: 2:19-cv-263-FtM-38MRM

CARMINE MARCENO and  
ROBERT CASALE,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 74](#)). Judge McCoy recommends denying Defendants' Motion to Tax Costs. ([Doc. 74](#)). Neither party has objected to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

(1) United States Magistrate Judge Mac R. McCoy’s Report and Recommendation ([Doc. 74](#)) is **ACCEPTED and ADOPTED** and the findings are incorporated herein.

(2) Defendants’ Motion for Taxation of Costs ([Doc. 72](#)) is **DENIED without prejudice** to Defendants’ ability to renew the motion, if appropriate, after the pending appeal concludes.

**DONE and ORDERED** in Fort Myers, Florida on December 9, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record